

TEACHERS' RETIREMENT BOARD
BENEFITS AND SERVICES COMMITTEE

SUBJECT: CONSENT AGENDA

ITEM NUMBER: 4

ATTACHMENT(S): 3

ACTION: X

DATE OF MEETING: July 12, 2001

INFORMATION: _____

PRESENTER(S): Lynda Bridges &
Gail Chun-Deduonni

NAME: ROGER V. SCARAMELLA

HEARING DATE: APRIL 26, 2001

PROPOSED DECISION: Administrative Law Judge Ann E. Sarli concluded by reason of the facts presented that Roger V. Scaramella's request to not incur an assessment due to cancellation of his pre-retirement election of option be denied. The Education Code requires that the System must assess the member's future retirement allowance for the actuarial equivalent of the coverage received under the pre-retirement option. Mr. Scaramella did not meet his burden of proving his right to a waiver of the assessment for canceling his pre-retirement election of option. Staff recommends that the Board adopt the proposed decision as it adequately reflects the issues and evidence presented at the hearing and the determination of the issue is adequately supported within the body of the decision.

NAME: BRIAN McMAHON

HEARING DATE: APRIL 24, 2001

PROPOSED DECISION: Administrative Law Judge (ALJ) Roy W. Hewitt concluded by reason of the facts presented that Brian McMahon's request that CalSTRS accept his application for disability benefits be denied. Pursuant to Education Code Sections 24002 and 22126, ALJ Hewitt found that CalSTRS properly rejected the member's application for a disability allowance and that the respondent's assertion that he need not provide medical evidence of his qualifying disability, based on Determinations and Decision by ALJ David B. Rosenman, dated October 1, 1997, lacks merit. Staff recommends that the Board adopt the proposed decision and uphold staff's rejection of Mr. McMahon's application for a disability allowance.

PROPOSED

**RESOLUTION
OF THE
TEACHERS' RETIREMENT BOARD
BENEFITS AND SERVICES COMMITTEE**

Subject: Consent Agenda
Consideration of Proposed Decisions

Resolution No. _____

WHEREAS, the Benefits and Services Committee has been delegated the authority by the Board to act finally on the following proposed decisions; and

Whereas the Committee has reviewed the following proposed decisions: Roger V. Scaramella, Request for Waiver of the Assessment for Canceling his Pre-Retirement Election of Option; Denied; and Brian McMahon, Request to Accept his Application for Disability Allowance; Denied.

WHEREAS, the Committee finds this in conformance with the guidelines adopted by the Board; Therefore be it

RESOLVED, That the proposed decisions listed above are adopted.

Adopted by:
Benefits and Services Committee

On _____

JAMES D. MOSMAN
Chief Executive Officer